LICENSING SUB-COMMITTEE

Date: Tuesday 8 November 2022
Time: 10.00 am
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Team Leader (Committees) on 01392 265477 or email Mark.Devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street..

Membership -
Councillors Asvachin, Snow and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Appointment of Chair**

To appoint a Chair for the meeting.

2 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

"RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act."

LICENSING ACT 2003

4 **Application to Review a Premises Licence**

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 3 - 76)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265275.

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing: 8 November 2022

Report of: The Service Lead - Environmental Health & Community Safety

Type of Application: To seek a REVIEW of the Premises Licence trading as Heavitree Social Club

Legislation: Licensing Act 2003 ('the Act')

Ward Application Refers to: Priory Ward

Applicant: Environmental Health at Exeter City Council

Premises Address: Heavitree Social Club, 2 East Wonford Hill, Heavitree, Exeter, EX1 3BS

1. What is the report about?

1.1 An application has been received from Environmental Health at Exeter City Council, seeking a review of the Premises Licence held by Heavitree Social Club. A copy of this application together with the Premises Licence is attached as Appendix A to this report. The application for review has been advertised and circulated as required by the legislation. A copy of the notice of the review is attached as Appendix B to this report.

2. Are there any representations?

2.1 The legislation requires that any representations in relation to a review must be submitted to the Licensing Authority no later than the 28th day after receipt of the review application. The 28 day period beginning the day after receipt of the application. The last date for representation being the 5th September 2022.

2.2 Fourteen representations were received from local residents within the statutory representation period, the residents reside within the vicinity of the premises. The representations are attached as Appendix C to this report.

2.3 A further representation was received from Alice Hasted in Environmental Health. This is attached as Appendix D to this report.

3. Report details:

3.1 The application from Environmental Health referenced the licensing objective of the prevention of public nuisance. The grounds for the review are given as follows:

- Nuisance witnessed at the premises.
- Loud music internally and externally.
- Loud external activities – splash pool.

3.2 A number of officers within Environmental Health have been involved with complaints in relation to this premises. The first of these is Rebecca Padfield; the officer that submitted the application for review. Mrs Padfield witnessed noise nuisance at the premises on the 15th July 2022. A copy of her statement in relation to this is attached as Appendix E to this report.

3.3 Alice Hasted has referenced the licensing objective of the prevention of public nuisance in her representation. Ms Hasted has provided a witness statement which is attached in Appendix F to this report. The witness statement references exhibits AH01, AH02 and AH03. These exhibits are included within Appendix F of this report.

3.4 A number of noise recordings were made within complainants' properties and these were analysed by Ben Turner in Environmental Health. The analysis of these recordings along with a statement from Ben Turner is attached as Appendix G to this report.

3.5 Simon Ruddy in Environmental Health has produced a witness statement detailing recordings made using the noise app by complainants. His statement is included as Appendix H to this report. In his statement he references exhibits SR/1 to SR/18 which relate to audio records.

3.6 The representations received from the local residents reference a number of noise disturbance episodes alleged to have originated from the licensed premises and as such concern the licensing objective of public nuisance. The representations received from local residents have been complied into a table and are attached as Appendix I to this report. A more detailed representation was received from Jonathan Geyde and this is attached as Appendix J to this report.

3.7 The representative for the Premises Licence Holder requested an extension of time within which the hearing must be heard in order to allow discussions between the parties in respect of the matters raised. The Licensing Authority considered that it was in the public interest to extend the statutory time period and with the agreement of the other parties set the hearing for this date.

4. Legal and Policy Considerations:

4.1 The hearing must be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The time period within which this matter must be heard has been extended in accordance with Regulation 11 (1) for the reasons set out in paragraph 3.7 above.

4.2 The Licensing Sub-Committee are required to have regard to;

4.1.1 the representations (including supporting information) presented by all the parties; and

4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2018; and

4.1.3 the Licensing Authorities Statement of Licensing Policy.

4.3 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.

4.4 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives;

- modify conditions by altering, omitting or adding them;
- exclude a licensable activity;
- remove the Designated Premises Supervisor (DPS);
- suspend the licence for a maximum of three months;
- revoke the licence.

5. Recommendations:

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

Service Lead – Environmental Health & Community Safety

Author: Nigel J Marston, Principal Licensing Officer

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Exeter City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Rebecca Padfield
(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Heavitree Social Club Wingfield Parks 2 East Wonford Hill Exeter	
Post town Exeter.	**Post code (if known)** EX1 3BS.

Name of premises licence holder or club holding club premises certificate (if known)
Heavitree Social Club.

Number of premises licence or club premises certificate (if known)
EXE - C00030

Part 2 - Applicant details

I am the Principal Environmental Health Officer in the Neighbourhood team.

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☐

2) a responsible authority (please complete (C) below) ☑

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)

Surname

First names

I am 18 years old or over Please tick ✓ yes ☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Rebecca Padfield
Civic Centre
Paris Street
Exeter EX1 1JN

Telephone number (if any) 01392 265 147

E-mail address (optional) rebecca.padfield@exeter.gov.uk.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address See B.
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

	Please tick one or more boxes ✓
1) the prevention of crime and disorder	☐
2) public safety	☐
3) the prevention of public nuisance	☑
4) the protection of children from harm	☐

Please state the ground(s) for review (please read guidance note 2)

Noisance witnessed at the premises.
Loud music - internally + externally
Loud external activities - splash park.

Please provide as much information as possible to support the application (please read guidance note 3)

Nuisance witnessed by Rebecca Padfield and Philip Gilbert on 15 JULY 2022.
Nuisance further witnessed via matron calibrated recording equipment on 29 July 2022.
s80 notice served on 13 September 2021.

15 July 2022: Very loud music heard in car parks coming from party in near-annexe of social club. All details of music can be heard. 23:00 → 23:20.

29 July 2022: Outdoor live event 14:00 - 17:30

	Please tick ✓ yes
Have you made an application for review relating to the premises before	☐

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature R. Padfield.

Date 8 August 2022

Capacity Principal Environmental Health Officer.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	**Post Code**
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003

Premises Licence EXE-P00636

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Heavitree Social CLub

Heavitree Social Club, 2 East Wonford Hill, Exeter, Devon, EX1 3BS

WHERE THE LICENCE IS TIME LIMITED, THE DATES

Not applicable, licence is not time limited.

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol
Performances of Dance
Live Music
Late Night Refreshment
Plays
Recorded Music
Provision of Regulated Entertainment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Supply of Alcohol (Indoors) (Alcohol is supplied for consumption on the Premise)

Saturday	09:00 - 00:30
Sunday	09:00 - 22:30
Monday to Wednesday	12:00 - 23:00
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

Performances of Dance (Indoors)

Saturday	11:00 - 00:30
Sunday	11:00 - 23:00
Monday to Wednesday	12:00 - 23:30
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

Live Music (Indoors and Outdoors)

Saturday	11:00 - 00:30
Sunday	11:00 - 23:00
Monday to Wednesday	12:00 - 23:00
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

Late Night Refreshment (Indoors)

Thursday to Saturday	23:00 - 00:30
Christmas Eve	23:00 - 02:00
New Years Eve	23:00 - 02:00

Plays (Indoors)

Thursday and Friday	12:00 - 22:00

Recorded Music (Indoors and Outdoors)

Saturday	11:00 - 00:30
Sunday	11:00 - 23:00
Monday to Wednesday	12:00 - 23:30
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

Provision of Regulated Entertainment (Indoors and Outdoors)

Saturday	11:00 - 00:30
Sunday	11:00 - 23:00
Monday to Wednesday	12:00 - 23:30
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

THE OPENING HOURS OF THE PREMISES

Saturday	09:00 - 00:30
Sunday	09:00 - 22:30
Monday to Wednesday	12:00 - 23:00
Thursday and Friday	12:00 - 00:30
Christmas Eve	11:00 - 02:00
New Years Eve	11:00 - 02:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption ON the Premises

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Heavitree Social Club 2 East Wonford Hill Heavitree Exeter EX1 3BS

Email address mark3317@hotmail.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

01667635

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mark Nicholas Hunt 8 Merrivale Road Exeter Devon EX4 1PY

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

ANNEX 1 – MANDATORY CONDITIONS

ANNEXE 1 - MANDATORY CONDITIONS

There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the said Premises Supervisor does not hold a personal licence or when his/her licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any person used to carry out a security activity must be licensed by the Security Industry Authority.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);
(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
(a) a holographic mark, or
(b) an ultraviolet feature.

The responsible person must ensure that-
(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
(i) beer or cider: pint;
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) still wine in a glass: 125 ml;
(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
(a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) permitted price is the price found by applying the formula-
P = D + (D x V) where-
(i) P is the permitted price,
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
(c) relevant person means, in relation to premises in respect of which there is in force a premises licence-
(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
(d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
(e) valued added tax means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

There will be in place a written age verification policy in relation to the sale or supply of alcohol which will specify a challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals, who appear to be under 25 years of age and attempting to purchase alcohol, to produce ID. The only acceptable ID will be:-
A photo driving licence;
A passport; or An identification card carrying the pass hologram.
Unless ID is produced the sale of alcohol must be refused.
This policy will include documented steps to prevent adults from purchasing alcohol for and on behalf of children under 18.

Follow all guide lines and train staff to comply with laws and legislations
An incident book will be kept and all instances of public disorder will be recorded.
The policy must be made available for inspection and copying upon request by an authorized officer of a responsible authority.
A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending that the
Police will be informed if anyone is found in possession of controlled substances or weapons.
The performance of live entertainment will be limited to four evenings per week.
A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from
the exterior of the premises by the public for local residents to contact in case of noise nuisance or anti-social behavior by
persons or activities associated with the premises.
The telephone number will be a direct number to staff who are in control during opening hours.
A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call.
Records will be made available for inspection and copying by an authorized officer of a responsible authority throughout the trading hours of the premises.
outside garden area must be closed and cleared of customers by 23:00 hours. Adequate notices shall be displayed to informpatrons of this requirement.
All staff engaged in licensable activity at the premises will receive training and information in relation to the following:-
Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable;
The hours and activities permitted by the premises license;
How to complete and maintain the refusal register in operation at the premises;
Recognizing the signs of drunkenness;

Training records shall be made available for inspection and copying upon request by an authorised officer of a responsible
authority.
An alcohol sales refusal register shall be kept at the premises and will be maintained to include details of all alcohol sales
refused.
The register will include:-
The name and time of refusal;
The reason for refusal;
Details of the person refusing the sale;
Description of the customer;

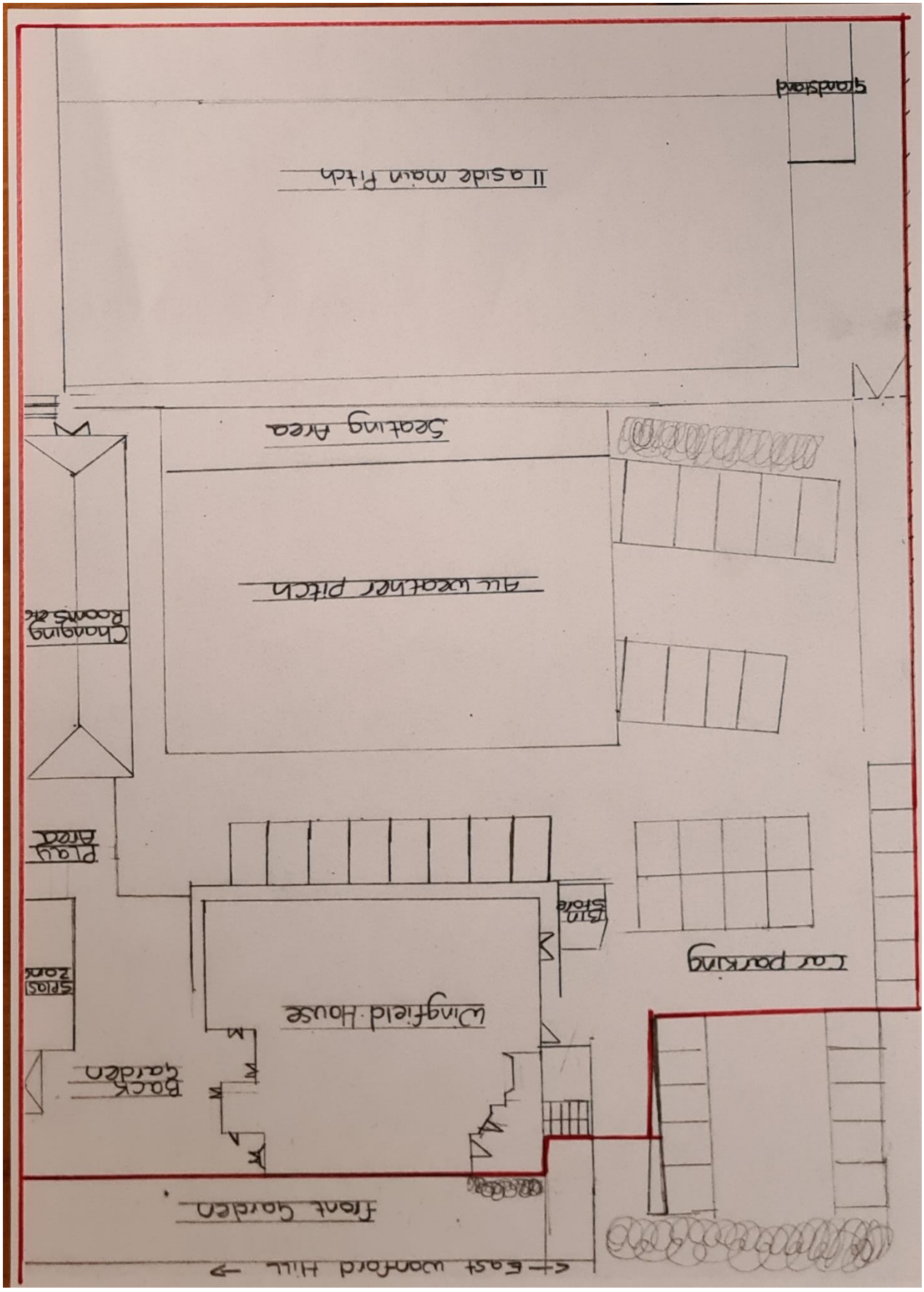
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING

1. A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the Premises by the public for local residents to contact in case of noise-nuisance or anti-social behaviour by persons or activities associated with the Premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the Premises.
2. The Premises Licence Holder or nominated person shall control the sound levels of any music played on the Premises.
3. Any performance of live music or recorded music outside shall cease at 8pm.

ANNEX 4 – PLANS

Please see attached


East Wanford Hill
Front Garden
Back Garden
Wingfield House
Gift Shop
Car parking
Sports Zone
Play Area
Changing Rooms etc
All weather pitch
Seating Area
Waside Main Pitch
Grandstand

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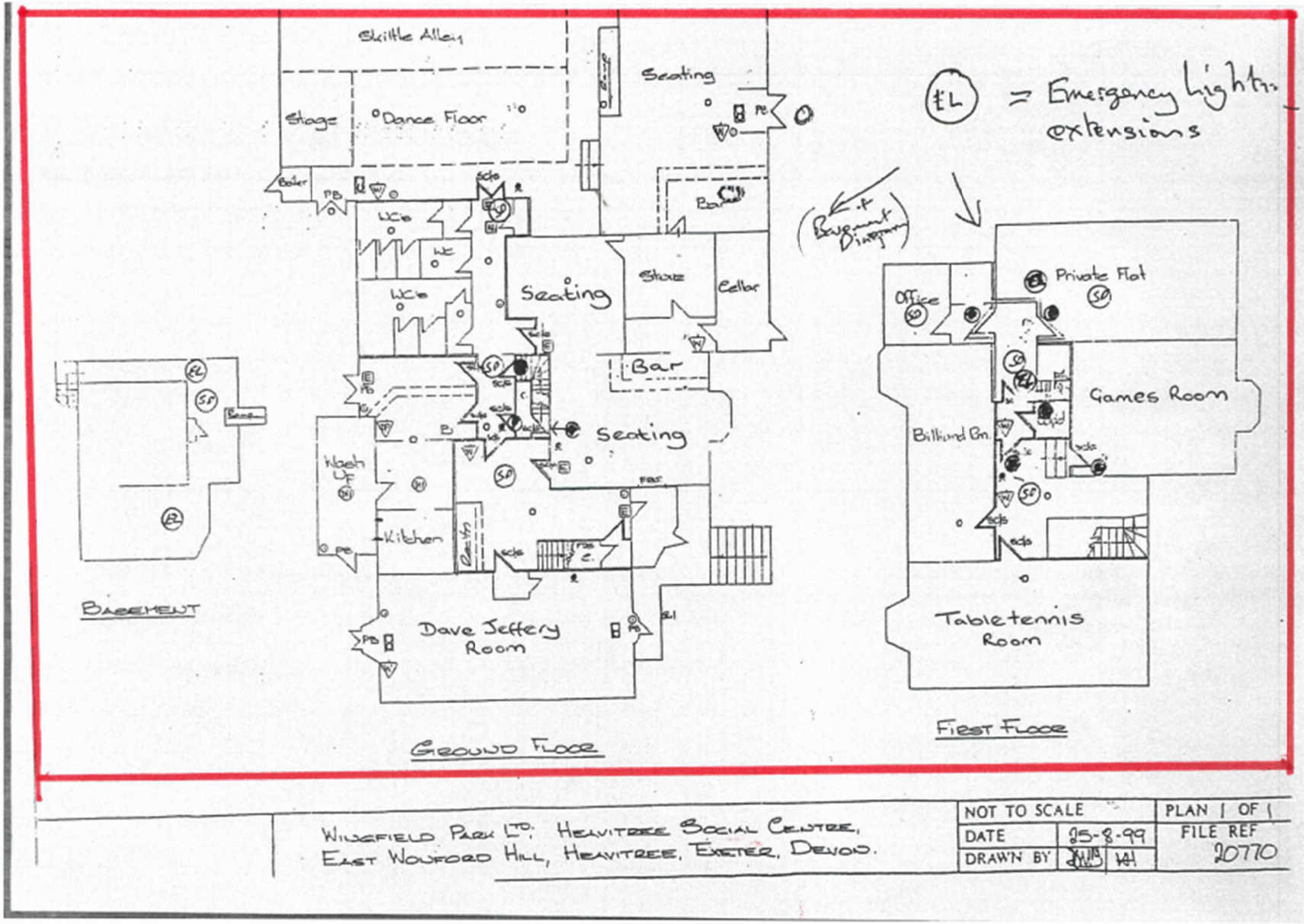
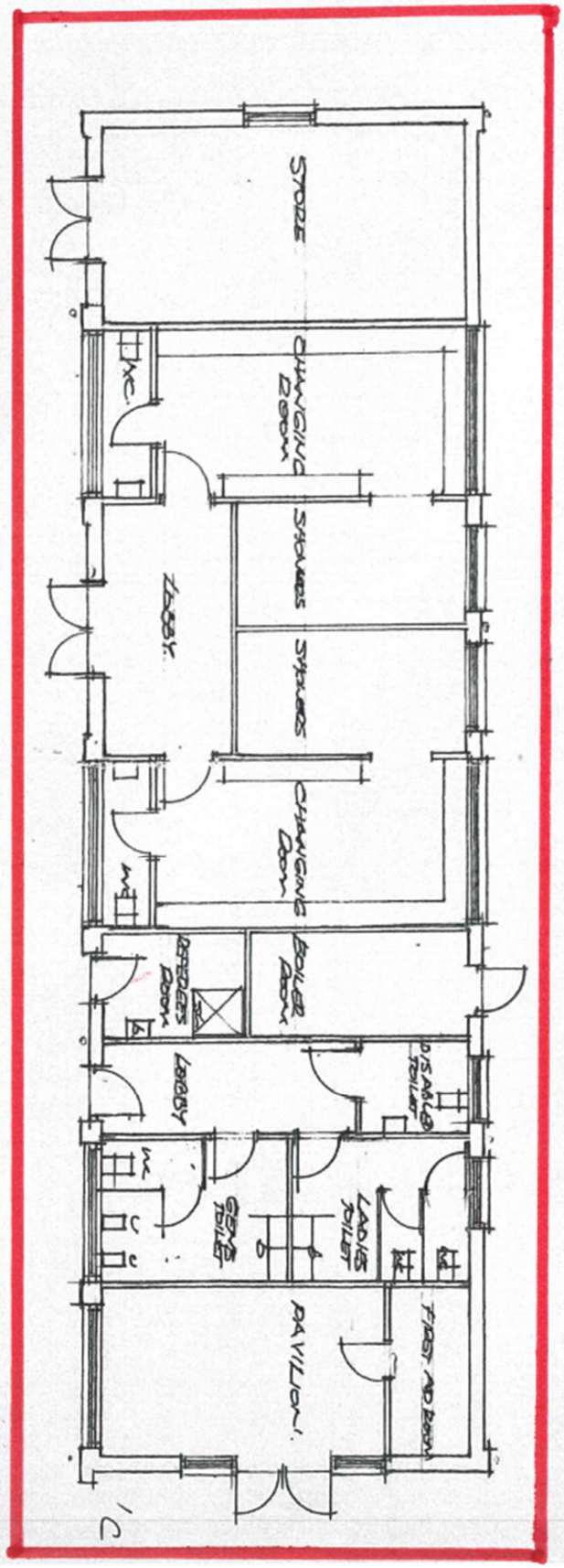


Wingfield Park Ltd. Heavitree Social Centre, East Wonford Hill, Heavitree, Exeter, Devon.

NOT TO SCALE		PLAN 1 OF 1
DATE	25-8-99	FILE REF 20770
DRAWN BY		


STORE
CHANGING ROOM
SHOWERS
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LOBBY
WC
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BOILER ROOM
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DISABLED TOILET
WC
GENTS TOILET
LADIES TOILET
PAVILION
FIRST AID ROOM

PLAN

LICENSING ACT 2003

APPLICATION TO REVIEW A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

Notice is given that applications have been made to Exeter City Council, as the licensing authority, for the review of the premises licence in respect of Heavitree Social Club, 2 East Wonford Hill, Exeter,

The grounds for the review are:-

Nuisance witnessed at the premises. Loud Music internally and externally. Loud external activities – Splash pool.

Applications can be viewed at **Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ**. Monday to Friday 09:00 to 16:00.

Representations must be made in writing by e-mailing licensing.team@exeter.gov.uk or by posting to the above address by 5th September 2022

IT IS AN OFFENCE knowingly or recklessly to make a false statement in connection with an application for which you may be liable to a fine of up to £5000 on summary conviction.

Date of Application: 08.08.2022

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Representation Number	From Whom and address	Detail of Representation
IP 1	[redacted]	Dear Exeter Licensing Team, I understand there is to be a review of the licence for Heavitree Social Club and I wish to express my objection to the playing of loud music. This has affected us a family on several occasions when we have been unable to relax in our homes due to the very loud volume of music from live bands outside. We are positioned to the far end of the cul-de-sac backing onto the club and I dread to think how bad this is for our neighbours directly backing onto the club as the noise is excessive even at this distance. We have two young children and the music has prevented them sleeping during the afternoon inside the house and we are unable to enjoy any peace in our garden during these times. I would not expect this volume of noise from a social club and would not have chosen to live in such close proximity to a pub which is what this venue seems to be functioning as.
IP 2	[redacted]	Dear Sirs My property is adjacent to the football pitch behind the Heavitree Social Club. Neither Heavitree Social Club nor indeed Heavitree United Football Club are good neighbours, and have both apparently forgotten that they are based in a residential area. Live music outside of the Social Club is intrusive and unnecessary. We all want families to enjoy themselves, but the splash pool causes more noise and it seems that the needs of residents have become second place to the demands of Club members and this situation needs addressing.
IP 3	[redacted]	Good evening, This is relating to the review of the licence for the above premises. I would like to express my concerns about the noise levels of the music played, especially it seems at

		weekends, when local residents and their families would like to spend time in their own gardens without intrusive, very loud music spoiling their enjoyment. I enjoy a party as much as the next person but feel that a lower noise level would still allow participants to have a good time while not disturbing close neighbours lives. Thank you in anticipation of your consideration of our views on this matter.
IP 4		Dear Sir, I wish to record my objection to the playing of loud live and recorded music at the above premises. There have been occasions in recent years when the volume has been so loud that while in the house with doors and windows closed it has still been necessary to adjust the volume of the TV or radio etc. Further more it is impossible to enjoy ones own garden as the noise is of such a volume that being outside is unpleasant!
IP 5	[redacted]	Good Afternoon, I am writing regarding the review of the premises licence for Heavitree Social Club. I am particularly concerned firstly, about the loud music that is played both when a football match is on, and secondly when there is an outside live band at the social club. We live in [redacted], and have done so for 41 years. We are at the top of the road and adjacent to the football pitch. We have never experienced this level of music in all the years we have lived here. In relation to football matches, we have no objection to music being played before a match etc. However, outside speakers have been installed recently, directly opposite our house, and the volume of the music is in our opinion excessive. This often occurs early on a Saturday morning when the youth team are playing, The music is often turned on at 0945 am, or earlier, when the kick off is at 1030. The level played is intrusive. In relation to the outside live music at the social club, this has usually been on a Sunday afternoon, during Summer months. The volume is so loud that

		we have been unable to sit in our garden, and even our young grandchildren think it is unbearable! On a couple of occasions, I have rung the club and spoken with the manager to explain our concerns, but the situation has not improved. I explained that as a social club it is very anti social to play music at this level in a residential area! We would be grateful if you will consider our views on the current situation, and take the appropriate action that we feel is necessary.
IP 6	[redacted]	Hi, I wish to make a representation in relation to the Heavitree Social Club. I am a local resident with my garden backing onto their land. There have been numerous live events happing over the summer at the venue and on occasions, the music is so loud it drowns out the sound of the television in the front room furthest away from the music. This makes it very hard to have a relaxing afternoon and making use of our garden is impossible during these times. I was under the impression that live music outside would only take place on bank holiday weekends but there have been several instances during the summer holidays and none of these fell on Bank Holiday weekends. Last season there was a junior football team who made use of the grass football pitch on a weekday afternoon and a weekend morning. They resorted to playing very loud music as part of their warm-up which again made it impossible to hear the television in the house. We have yet to experience this music this season but not sure if this is because the team have yet to start after the summer yet. We have previously raised concerns to the council over this. There has been no contact or pre-warning from the social club on these events or noise and when we have contacted them they have been very unreasonable in their response, so much so we have stopped contacting them about it. Finally, I wish to make it known that the Social Club empty their glass bin at 5.30AM on a Thursday morning and have woken me up the last 3 weeks carrying this out. Given they are in a residential area, I consider this a completely unacceptable time to carry out such an activity and have raised a separate noise complaint to the council on this. In summary, I don’t mind the live music outside very infrequently if it is kept to an acceptable volume.

		The football warm-up music is too loud and disturbs the peaceful environment and the emptying of the glass happens at a completely unacceptable time. I believe these aspects should be reviewed and conditions set in place as part of this licence review. We accept and are happy the social club serves a community. We only wish it better valued, respected and served the community it geographically surrounds.
IP 7	[redacted]	I am writing to still object to the loud music being played by the Heavitree social club In there garden which is extremely loud and can be heard in doors of our house even with windows closed. I live In [redacted]
IP 8	[redacted]	To whom it may concern I wish to object to the review of the licence to play loud music at the above premises. I live close by and at times, particularly on a weekend afternoon/ evening have had to close doors and windows in order to hear my own radio! It would certainly spoil a quiet afternoon in the garden should we wish to do this. I feel this is totally unacceptable that residents should be subjected to this type of noise.
IP 9	[redacted]	Dear Sir/Madam We write in connection with the above review. We live adjacent to the above premises and we have previously made representations in connection with the grant of a premises licence. The representations are replicated below - 'We write in connection with the above application. We would request that concerns which we raised in respect of a similar application made by the club in October 2020 be brought forward for consideration in regard to this application. We have reproduced the concerns below: We write in respect of the above in order to record concerns/objections in connection with certain aspects of the application. A request has been made for the general provision of live and recorded music both indoors and outdoors.

		Although we have no specific issues with the provision of indoor music, we do not feel that it is appropriate to allow unrestricted permission for the provision of outdoor music. We live in premises adjacent to the social club and we feel that any permission for outdoor music should not be unlimited and should be restricted to reasonable hours. In the past outdoor music events at the club have been held on relatively few occasions (normally summer weekends and bank holidays) and all have commenced and finished at sensible hours. None appeared to start before midday or finish beyond 6pm. We feel that any extension to the frequency or duration of these events is inappropriate as it would have an adverse effect on the surrounding neighbourhood and environment. We understand that the club already holds a club licence which covers club members and their guests, however we believe that a new premises licence, if granted, will allow anyone to make use of the facilities and attend any functions . This would undoubtedly result in more people using the club which heightens our concern about noise levels, in particular in connection with outdoor events/activities.' Unfortunately, our concern relating to the provision of loud outdoor music has proved to be well founded as the frequency of events has now increased and, as such, affects the quiet enjoyment of our property on a much more regular basis. In the circumstances we would ask that our representation is again considered as part of the licence review process.
IP 10	[redacted]	To whom it may concern, I am writing with regard to the licensing review for Heavitree Social Club, 2 east Wonford hill. I am writing to request that their application for a licence is revoked/not renewed due to the significant impact it has on myself as a neighbouring resident and those around me.

		The social club continues to have live music outside and inside on a regular basis which is extremely loud and prevents me from being able to sit out in my garden. Very loud noise from people using the social club is also heard on a regular basis . I myself have previously made complaints to the council about this and so have other residents but they continue to ignore this. Many thanks in advance for taking the above information into consideration
IP 11	[redacted]	I understand that the premises licence is up for renewal The club is a vital focus point for the local community but without wanting to curtail their activities, there are some aspects that you need to consider Firstly, a loudspeaker has been installed between the Home and Away dugouts on the halfway line of the football pitch. Loud music is often played out of these speaker before matches, at halftime and at the conclusion of the games. There have been instances where music has blared out with hardly any players on the pitch. In my opinion they should be advised to reduce the volume as a condition of the renewal of the licence Live music outdoors has been a common occurrence during the summer. We live in [redacted] which is at the bottom half of the football pitch and have been unable to sit in our gardens due to the excessive noise- in fact I have even heard the music whilst I have been walking the dog in Ludwell valley Park! Again this should be considered and a sensible volume level applied as a condition of renewal We want the club to continue to thrive but also for them to be good and considerate neighbours to those that live near them
IP 12	[redacted]	Dear Sir **Review of Licence: Heavitree Social Club** I object to both the Premises Licence and the Social Club licence which Heavitree Social Club holds which allows them to play amplified music in an area which is primarily residential. It is totally

		inappropriate that the club is permitted to play music which resonates across many households in Heavitree who would like to enjoy their own houses and gardens without having this noise inflicted on them. The Club as a business is making money whilst making life unbearable for its neighbours. Heavitree Social Club is my next-door neighbour: we share a party wall, mine at the end of my garden, theirs the wall against which the recent splash park has been created. The wall is 6 metres from my back door. I have suffered from the lack of neighbourliness by the Club for nearly ten years with increasing indignation. Noise and swearing coming from footballers using the five-a-side pitch colour our weekends and evenings. Litter thrown over the wall, children leaning over the wall and footballers climbing the wall to demand footballs be returned, music from the changing rooms, water splashed from the water tower onto us in our garden, little girls screaming as they get soaked – all these have become an increasing irritant. However, the development which has caused such fury and misery to my husband and myself is the music played in the garden of the club. A speaker pointing towards my house plays commercial radio; the presenter's voice, adverts and pop music fill my garden, from midday on into the evening. This increases in level as the garden fills up, as people drink more and as the children come into play; it continues to play even when the garden is practically empty. Far worse than this is when a live band plays in the garden, on a concrete base recently added, with full amplification of instruments and singers. The noise which this creates in my house is unbearable. It is impossible to speak in my garden. The bass guitar, in particular, resonates throughout the house. I escaped the noise recently and found that the music could still be heard at the far end of Heavitree Park. We have asked for the music to be turned down; it was not. The Manager has been aware of his neighbours' views of the noise which the Club makes since at least 2020. In the recent hot weather, noise from inside the Club in the evening was also allowed to escape into the garden because doors and windows were left open and people spilled out into the garden. When we first moved into our house, we were aware of the Club as our neighbour and put up with occasional sounds from over the wall. We have seen the noise levels rise significantly and the

		frequency of noisy afternoons and weekends and evenings has increased. The recent development in the garden of a place for live bands to set up, the children's splash park, the application for a Premises Licence, all point towards a decision to maximise the financial benefits to the Club of having a Beer Garden to offer to its customers with the added attraction of giving the children somewhere to play. This decision totally ignores the fact that many people around are also being affected by what the Club has chosen to do without any consultation or consideration for their neighbours. Exeter City Council offers guidance to inner city music venues about limiting sound levels and not allowing noise to escape from the premises. Yet this Club seems to have no boundaries set for the social nuisance it creates in Heavitree. Even the times during which the Club is allowed to play music in the garden seem ludicrous when so many people are close by and affected by the noise, yet both the Club Licence and the Premises Licence permit this. My husband and I object strongly to both licences permitting music to be played in the garden. We ask that permission for music to be played outside the Club's building be withdrawn and that the sound levels within the building should be subject to sound limitation.
IP 13	[redacted]	Dear licensing team, We are writing this email to request you to review Heavitree social club's license to play music. This has badly affected our lives during the weekends when we can't enjoy our house & garden in peace due to loud noises. Many thanks
IP 14	[redacted]	Statement provided reference JG01

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EXETER CITY LICENSING AUTHORITY

Licensing Act 2003: Representation form

NOTE: This form includes a section to confirm successful mediation between Responsible Authorities and the applicant. This includes the agreement of conditions.

1. Your details

Responsible Authority:	Exeter City Council
Your Name:	Alice Hasted
Job Title:	Environmental Health Officer
Postal address:	Civic Centre, Paris Street Exeter, EX1 1RQ
Email address:	Alice.hasted@exeter.gov.uk
Contact telephone number:	01392 265760

2. Premises details

Name of the premises you are making a representation about:	Heavitree Social Club
Name of the applicant:	Mark Hunt
Address of the premises you are making a representation about:	Wingfield Park, 2 East Wonford Hill, Exeter, EX1 3BS

3. Representation information

Which of the four licensing objectives does your representation relate to?	Yes Or No	**Please detail the reason(s) for your representation, including any relevant evidence. This MUST include a clear statement as to why the representation is considered appropriate and necessary. Please use separate sheets if necessary.**
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	YES	Since August 2021 I have received several complaints which are included in the attached evidence, along with my witness statement, Abatement Notice, video/audio recordings provided by residents, and Matron recordings taken from a complainants property demonstrating that the sound levels from amplified music played at Heavitree Social Club is excessive and a considerable source of annoyance and nuisance to neighbours. Heavitree Social Club have been given the opportunity to put these matters right but this has not happened. There have been a number of loud amplified music events so far this year which are advertised online and Facebook, and I see no reason why they won't continue.
To protect children from harm	No	

4. Additional information and mediation

Do you have any suggested conditions or alterations to the application that would remedy your representation? If so, please list them clearly. Please use separate sheets if necessary.	Where amplified music is to be played organisers will need to demonstrate in a noise risk assessment that the programme of events has been planned to minimise the impact on the noise sensitive premises identified. Any measures to mitigiate the noise levels from the music sources must be considered such as amplified music is not to be played outside, keeping doors and windows closed to limit noise , and compressors or limiters are used on sound system to control sound levels. Set maximum levels for the low frequency levels (bass) as these cause the most disturbance to local residents. Seek advice from a competent sound engineer.	
If the applicant agrees to the amendments you have set out in the box above, would you be willing to withdraw your representation?	**Yes**	**No**
If you agree to withdraw your representation, do you also agree that there is no need for a hearing?	**Yes**	**No**
If you are unwilling to withdraw your representation, please detail the reasons for this. This information will be provided to the licensing sub-committee in advance of a hearing.		
Any additional information?		

Signed: Date: 25/08/2022

Please return this form along with any additional sheets to: Exeter City Licensing Authority, Civic Centre, Paris Street, Exeter EX1 1JN or email to licensing.team@exeter.gov.uk. This form must be returned within the Statutory Period.

5. Confirmation of agreement

If an amendment to the application has been agreed between the applicant and the Responsible Authority making the representation, the applicant must sign below to confirm the amendments to the application set out above and their agreement.

Name of applicant: Signed: Date:

Exeter City Council

Statement of witness

(Criminal Procedure Rules, r.27.2; Criminal Justice Act 1967, s9; Magistrates' Courts Act, s.5B)

Statement of: Rebecca Padfield

Age of witness: Over 18

Address: Exeter City Council, Civic Centre, Paris Street, Exeter

Telephone: 01392 265158

Occupation: Principal Environmental Health Officer

Employer: Exeter City Council

This statement consisting of 2 page signed by me is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything that I do not know to be false or do not know to be true.

1. I am Rebecca Padfield employed as a Principal Environmental Health Officer by Exeter City Council. I hold a degree in Public and Environmental Health and am an Associate Member of the Chartered Institute of Environmental Health. I am authorised to enforce the provisions of the Environmental Protection Act 1990 in relation to noise nuisance and, in particular, I am authorised to assess whether a statutory noise nuisance has arisen.

2. On Friday 15th July I was undertaking routine noise monitoring visits with my colleague Philip Gilbert. As part of our visits, we attended the Heavitree Social Club, Wingfield Park, 2 East Wonford Hill. I was aware that a Noise Abatement Notice had previously been served in respect of loud music from this premise.

3. We arrived and parked in the car park of the premise at 23.00. There appeared to be a function taking place towards the rear. There were a number of people outside and the door for disabled access was open.

4. We listened from the car park, loud music was clearly audible, and was reverberating around the area appearing louder at the end of the car park where it meets properties at Heavitree Park.

5. We monitored for a period of 20 minutes, leaving at 23.20, during that time the following songs were identified:

   Hey Baby
   500 Miles, The Proclaimers
   Take me Home, Country Roads
   YMCA, The Village People
   Saturday Night, Wigfield
   Vengaboys

Dated; 5 day of Sept 2022

Signed R. Padfield

Exeter City Council

Statement of witness – continuation sheet

(Criminal Procedure Rules, r.27.2; Criminal Justice Act 1967, s9; Magistrates' Courts Act, s.5B)

Statement of: Rebecca Padfield

6. At no point during the visit did I witness the volume of music being turned down or the door being closed.

7. In my opinion the noise from the music being played was at an unreasonable level and was a breach of the Noise Abatement Notice.

Signed: R. Padfield.....

RESTRICTED (when complete)

Exeter City Council

Criminal Justice Act 1967 s.9
Magistrates' Courts Act 1980 s.5B
Criminal Procedure Rules r.27.2

Statement of witness

Statement of: Alice Louise Hasted

Age of witness: Over 18

This statement, consisting of 5 pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of July 2022

Signed: .....

1. I am an Environmental Health Officer of Exeter City Council with whom I have worked for 6 years. I have responsibilities for the enforcement of food, health and safety and environmental protection legislation in respect of businesses within the city of Exeter; part of that role involves the investigation of statutory nuisance, as defined under section 79 of the Environmental Protection Act 1990.

2. On 25th July 2021, I received 3 complaints regarding loud music in the garden of Heavitree Social Club on East Wonford Street from individuals on Avondale Road, Mayfield Road and Attwyll Avenue. From looking at Google maps I noted that Social Club sits within its own grounds surrounded by residential properties on all sides.

   The complaints reported :-

   a) *"Music from Heavitree Social Club is getting worse again now the weather is nice and restrictions have been lifted. They called the club to ask them to turn the music down as they could not hear their partner speaking when sat next to them inside the house."*
   b) *" Heavitree Social Club playing extremely loud music outside near lots of residential housing. Phoned the social club, however loud music continues to play."*
   c) *"Very loud live outside music from Heavitree Social Club in a residential area. Have spoken to the manager to complain."*

   (see appendices AH01, AH02 & AH03 for redacted complaints)

Statement of: Alice Louise Hasted

I sent information to all three complainants about statutory noise nuisance, diary sheets for them to fill in and an offer to witness the noise from their homes next time it happens

3. I called Mark Hunt on 30th July to inform him about the noise complaints from the 25th July He told me there would be another event on the Sunday. The licence allows him to have live outdoor music until 8pm and outside must be closed by 23.00

4. I received a further complaint from one of the complainants on 2nd September stating the noise is more frequent now, most weekday nights and weekends. I replied on 6th September offering to witness the noise from their home or to install a noise monitoring equipment (Matron), and that they continue to fill in the diary.

5. On Monday 6th September 2021 I received a complaint from [redacted] (see Appendix AH04). The rear of the property backs onto the grounds of Heavitree Social Club. [redacted] reported loud music played in the garden of Heavitree Social Club on Bank Holiday Monday 30th September, he also provided video footage of the music. I watched the two videos which were taken outside directed towards a boundary wall with what looked to be bouncy castles and top of a possible gazebo on the other side. I could hear loud amplified dance music and somebody speaking on a microphone (see Appendix AH05 for audio/video clip)

6. At around 14.30pm on Monday 6th September I contacted [redacted], he said loud music was being played at the time of our conversation, which I could hear in the background, and said another event would be held the next day between 12.00noon and 17.00pm. I agreed to visit the next day to witness it. I also sent information about statutory noise nuisance, diary sheets, a link to the noise app and a link to the premises licence.

7. On Tuesday 7th September 2021 at approximately 14.30pm, I visited [redacted]. I could clearly hear loud amplified music as I walked up to the house. I could hear the music as I walked into the house, the rear door to the garden and windows to the rear of the house were closed, but the front door was open. I stood in the garden and it was difficult to hold a conversation with [redacted] and his neighbour as the music was so loud. I could clearly hear the music in the dining room with the windows closed, this is used as

Statement of: Alice Louise Hasted

[redacted] area to work from home. I went upstairs to the rear bedroom where their 4 year old son occupies, the window was closed but I could still here the music. The music was less audible in the bedroom to the front, occupied by [redacted] his partner and their 3 month old baby. [redacted] contacted Heavitree Social Club while I was there and asked them to turn down the music. As I walked to Heavitree Social Club I could clearly hear the music to the side of the premises on East Wonford Hill and as I approached the premises.

8. I spoke to the Club Owner Mark Hunt outside the front of the social club, I asked him to turn down the music, but he refused stating he had a right to hold these events and play music outside. I accepted his licence allows him to hold these events but said that the music is too loud and should be turned down. I did not feel he was willing to discuss the matter further and left the premises.

9. [redacted] later submitted Noise App recordings at 15.26pm that showed the extent of the loud noise (see Appendix – AH05 for noise app clip).

10. Following witnessing the noise of the music on 7th September from [redacted] property and that I see no reason why these events won't continue. Heavitree Social Club advertise these events on their website and Facebook page. I consider this is sufficient evidence to determine a statutory nose nuisance.

11. Therefore I believe that an abatement notice, served under S80 of the Environmental Protection Act, requiring noise from amplified music on the premises to cease is the most appropriate response here.

12. On 13th September Simon Ruddy and I took the Abatement Notice to Heavitree Social Club (see Appendix AH06), we met both Mark Hunt and his wife. Both Mark and his wife were confrontational and intimidating, it was not possible to have a conversation with them and were not willing to accept the notice or that what they were doing was wrong. We left the notice with them and left. I found the meeting stressful and uncomfortable.

13. On 11th July 2022 [redacted] emailed to inform me of an event at Heavitree Social Club on Sunday 10th July (see Appendix AH07), he said he was upset following very loud music being played in the garden of the social club which he could hear in multiple parts of

this house and could not get away from it. On Saturday and Sundays from 10.00am there is non-stop commercial radio, children screaming from bouncy castle and splash park which makes it extremely hard to enjoy his home and garden (see Appendix AH06). I listened to the noise app recordings he'd made. The first one was from his garden at 14.00pm, this was a very loud live country/rock style band with bass guitar, drums and singing. The next recording was at 14.02pm inside his dining room, the music was more muffled but you could hear the lyrics I could hear "the power of love" and other words. Near the end of the recording you could hear a child crying, presumably [redacted] 1 year old daughter. At 14.04pm a further recording was made in children's bedroom, I could clearly hear the words to 'Walking on Sunshine' being played by the band (see Appendix AH05 for Noise App clips and audio/video clips).

14. [redacted] who lives at [redacted], who is [redacted] next door neighbour also submitted noise app recordings for 10th July at 14:12pm taken from her garden, The live band was very loud and I could clearly hear the lyrics to "everybody wants to rule the world" (see Appendix AH05 for Noise App clips). There was also a video of the event posted on Heavitree Social Club's Facebook page.

15. On 13th and 15th July I took statements from [redacted]. A letter was also posted to Mark Hunt on 15th July informing him of the latest complaints, this was following several attempts by Simon Ruddy to call him (see Appendix AH08).

16. On Friday 15th July [redacted] sent some further noise app recordings, this time at 11.22pm described as a wedding party at Heavitree Social Club. The recording was taken inside his daughter's bedroom. I could hear muffled thumping bass, dance music, and people's voices. I could not hear what they were saying or what music was being played but at that time of night especially for a young child it would be disturbing. (see Appendix AH05 for Noise App clips)

17. [redacted] submitted noise app recording at 11.15pm on 15th July, taken from her garden. I could hear thumping bass dance music and people shouting, talking loudly. (see Appendix AH05 for Noise App clips)

Statement of: Alice Louise Hasted

18. I noted looking at the Noise App [redacted] had submitted recordings on 17th June 2022, as he had not contacted me about this, I had taken no action for this day. The recordings were taken at 19:57 and 20:57 in his garden. He mentions his kids are trying to sleep. I could hear pumping bass dance music, people's voices, men shouting and children screaming. . (see Appendix AH05 for Noise App clips)

19. From these occurrences so far, I see no reason why the Heavitree Social Club will not hold further events during the year of a similar nature.

20. Telephone call with Mark Hunt and Simon Ruddy on 20th July. Mark informed us that the next live band in the garden on 31st July had been cancelled and the next events would be on 7th and 28th August.

21. As an event in the garden was still listed on the Heavitree Social Club website. On 29th July at approximately 14.15pm Ben Turner and I installed matron recording equipment in the rear dining room of [redacted] On 3rd August Ben Turner completed the matron analysis. I listened to the video recordings taken on both 30th and 31st July, which were extremely loud bass, guitar, singing from the band.

22. On 8th August [redacted] sent me a video recording of the band in the garden of Heavitree Social Club on 7th August between 14.00 and 17.00pm.The video were taken by his neighbour in [redacted] I could hear very loud amplified electric guitar and drums.

23. I consider these occurrences are a clear breach of the Abatement Notice served on 13th September 2021.

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Appendix - AH01

Alice Hasted

From: [redacted]
Sent: 25 July 2021 15:24
To: Alice Hasted
Subject: Re: [EXTERNAL SUSPICIOUS MESSAGE] Re: Noise complaint

Hi Alice

I haven't heard from you in awhile.

I just wanted to let you know that the music from Heavitree Social Club is getting worse again now the weather is nice and restrictions have been lifted. I've just called Heavitree to ask them to turn the music down as I cannot hear [redacted] peaking when he is sat next to me in the house. I've been told they have music on in the back garden, I thought their license was not for outside music?

Please can you contact me.

Thanks

On Sat, 5 Jun 2021, 09:47 [redacted] wrote:
Hi Alice

Please see the screen shots below of the noise record I have been keeping with an app.

Hope that helps, thanks.

[redacted]

On Sat, 5 Jun 2021, 09:42 [redacted] wrote:
Hi Alice

Thank you for your email.

Out of interest is the other resident in a similar location to us? The readings I am getting, certainly in our garden is 40d most of the time when they have the music playing. In our room it is around 35d which I understood to be a noise nuisance?

If you're able to come one Saturday morning to listen that would be great please. The issue is that [redacted] working nights now that it is summer will want to have the windows open but it's so loud he can't which means then he cannot sleep as he is too hot. I have the door open now as it's warm and the music is so loud I can hear all do the lyrics as if the music were playing loudly in my own garden. We don't even listen to music that loud when we are in our garden!!

Particularly with a baby on the way who will be sleeping in the back room also, this really isn't acceptable.

It starts at 930 on Saturday and varies on how long it is playing, normally an hour or two before a match starts. Sometimes it goes on after that too.

At the moment they haven't had any music on during the week. Not sure if that will change.

Thanks

Appendix - AH02

Exeter City
Council

From:Exeter City Council
Sent:25 Jul 2021 15:33:53 +0100
To:Environmental Protection / Environmental Health
Subject:Make a noise complaint - FS351786680

A **Make a noise complaint** form has been submitted with the following details

Case ref is: FS351786680
Uniform Reference is: 21/01383/COMNOI
About the noise

What type of noise are you reporting: **Loud music**

How frequent is it: **Recurring weekly**

How long does it last: **Hours at a time**

Details about the noise: **Heavitree social club playing extremely loud music outside near lots of residential housing .**

No action has been taken

About the offender

What address is the noise coming from:

Wingfield Park

2

East Wonford Hill

EXETER

Devon

EX1 3BS

Reporter does not know details of those responsible.

About the reporting customer:

Title: [redacted]

Appendix - AH03

Exeter City
Council

From:Exeter City Council
Sent:25 Jul 2021 15:49:56 +0100
To:Environmental Protection / Environmental Health
Subject:Make a noise complaint - FS351787397

A **Make a noise complaint** form has been submitted with the following details

Case ref is: FS351787397
Uniform Reference is: 21/01384/COMNOI
About the noise

What type of noise are you reporting: **Loud music**

How frequent is it: **Recurring weekly**

How long does it last: **Hours at a time**

Details about the noise: **Very loud live outside music from Heavitree Social Club, in a residential area.**

Details of action taken: **Have spoken with the Manager to complain, and advised I am contacting the Council.**

About the offender

What address is the noise coming from:

Wingfield Park

2

East Wonford Hill

EXETER

Devon

EX1 3BS

Offender's first name: **Heavitree Social Club**

Offender's last name:

Appendix AH04

[redacted]

From:[redacted]
Sent:31 Aug 2021 08:16:56 +0100
To:Environmental Protection / Environmental Health
Cc:[redacted]
Subject:Heavitree Social Club

Dear Sir or Madam

I hope this email finds you well? Please kindly acknowledge receipt of this email and that you can access and have viewed the audio/video files linked within.

My partner and I live at [redacted] a property that shares a boundary wall with Heavitree Social Club - and we would like to **flag** the volume we had to endure on Bank Holiday Monday provided by a DJ and rave music in the Heavitree Social Club garden. We would also like to provide, for the record, audio and video footage relating to what we think is a breach of the Environmental Protection Act 1990.

Please see the audio/video links below:

- https://photos.app.goo.gl/HYotLHXrs616Fnkq5
- https://photos.app.goo.gl/TcW3erFhM6kNoA5V6

As a family of four, with a 3-month-old baby, we cannot see how this in any way could be considered acceptable in a built-up residential area? Day or Night.

We understand that Heavitree Social Club, has some form of entertainment license - but it would seem quite clear to us that the attached video footage, clearly shows a 'statutory nuisance' as this music was unreasonably and substantially interfering with the use or enjoyment of our home and garden. Given the volume, and our situation with a newborn baby; music this loud, is likely to cause her harm or injury. And may well cause harm to our own health, be that mental or physical.

We have flagged this with Heavitree Social Club, but have not received a response yet, however, as good neighbors we are keen to work together to prevent a situation like this from ever occurring again.

It would be really helpful to understand what you think are the best next steps here?

As a DJ who regularly plays events in Exeter, I fully understand how noise can impact those around us, and note that at many venues I have DJ'd at in the city there have been noise impact assessments and limiters fitted to ensure that noise does not reach a certain DB level - can you please let me know if a noise impact assessment has taken place at Heavitree Social Club? And whether any advice / or limiting-based equipment has been supplied or suggested.

See Appendix A1+06

Exeter City Council

Please ask for: Alice Hasted

Direct Dial: 01392 265760

Email: alice.hasted@exeter.gov.uk

Our ref: 21/01942/COMNOI

Your ref:

13 September 2021

Mr M Hunt
Heavitree Social Club
Wingfield Park
2 East Wonford Hill
Exeter
EX1 3BS

Dear Mr M Hunt

Heavitree Social Club, Wingfield Park, 2 East Wonford Hill, Exeter, EX1 3BS
Environmental Protection Act 1990

I am writing to you in relation to the complaints received regarding noise from the external parts of the premises at the Heavitree Social Club.

I have undertaken monitoring of the noise at the property of one of the complainants. Based upon this monitoring and evidence provided by that complainant, I have determined that noise from music in the external parts of the premises is causing a statutory nuisance under Section 79(1)(g) of the Environmental Protection Act 1990. I therefore have a duty to serve an abatement notice under S.80 of the same legislation

I enclose this notice, addressed to you as Company Secretary of Heavitree Social Club Limited.

The notice requires you to abate the nuisance forthwith and prohibits its recurrence. I draw your attention to the premises licence conditions which state:-

1. A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the Premises by the public for local residents to contact in case of noise-nuisance or anti-social behaviour by persons or activities associated with the Premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the Premises.

2. The Premises Licence Holder or nominated person shall control the sound levels of any music played on the Premises.

Complying with these licence conditions would lead to an improvement in the noise being emitted. You may also wish to consult with sound engineers and acoustic consultants as appropriate to ensure that you are reducing noise levels as much as reasonably possible.

ECC0003/03/14

Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1 RQ

Notice	Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

Recipient	Name Mark Hunt (Company Secretary) Heavitree Social Club Limited Address Heavitree Social Club Limited, whose registered office address is 2 East Wonford Hill, Exeter, Devon, EX1 3BS
Statutory Nuisance	Take notice that, under the provisions of the above-mentioned legislation, Exeter City Council 'the Council', being satisfied of the existence of a statutory nuisance under Section 79(1)(g) of the Act at: Heavitree Social Club Limited, whose registered office address is 2 East Wonford Hill, Exeter, Devon, EX1 3BS within the district of the said Council arising from noise from amplified music
Abatement	As the person responsible for the said nuisance, the Council requires you forthwith to abate the same and also prohibit the recurrence of the same.
Suspension	This is a Notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this Notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
Penalties	If, without reasonable excuse, you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.
Appeals	You may appeal against the Notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.
Officer	Signature: Name: Alice Hasted Title: Environmental Health Officer Date: 13 September 2021 Contact address: Civic Centre, Paris Street, Exeter, EX1 1RQ Email: environmental.protection@exeter.gov.uk Telephone: 01392 277888

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:
(a) Quash the abatement notice to which the appeal relates, or
(b) Vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
(c) Dismiss the appeal;
and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:
(a) With respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
(b) As to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court:
(a) Shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
(b) Shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice
3. (1) Where:
(a) An appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
(b) Either -
  (i) Compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
  (ii) In the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
(c) Either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met
the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where:
(a) The nuisance to which the abatement notice relates -
  (i) Is injurious to health, or
  (ii) Is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
(b) The expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice:
(a) Shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
(b) Shall include a statement as to which of the grounds set out in paragraph (2) apply.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this Notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor.

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Exeter City Council

Criminal Justice Act 1967 s.9
Magistrates' Courts Act 1980 s.5B
Criminal Procedure Rules r.27.2

Statement of witness

Statement of: Ben Turner

Age of witness: Over 18

This statement, consisting of 1 pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 15th August 2022.

Signed: .....

1. I am an Environmental Health Technician of Exeter City Council. I have responsibilities for the investigation and enforcement of statutory nuisance in residential settings, as defined under section 79 of the Environmental Protection Act 1990.

2. On 29th July 2022, due to experience of fitting many dozens of our noise recording equipment known as the Matron, I offered to fit this equipment for my colleague Alice Hasted.

3. I fitted the matron into [redacted], Exeter, shortly after 1400 on 29th July 2022. The device was fitted into the dining room of the property on the ground floor.

4. The matron was collected from [redacted], Exeter, on 3rd August 2022 following which I returned it to our office and begun its analysis which can be viewed in the separate analysis document.

5. The analysis document should be considered in its entirety but as a brief summary, loud music was heard throughout the recordings and individual songs were easily identifiable. The bass level was often substantial.

Signed: .....

RESTRICTED (when complete)

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Exeter City Council

MATRON ANALYSIS

Monitoring Property	[redacted]
Source Property	Wingfield Park, 2 East Wonford Hill, Exeter, EX1 5HB

Matron Used	2250	**Calibrator Used**	2061668

Installed Matron	29/08/2022	**Collected Matron**	03/08/2022

Where Installed	Dining Room – Ground Floor

	DATE	TIME ON	TIME OFF	RECORDING COMMENTS
1	**30/07/2022**	17:13:01	17:17:26	Loud rumbling bass present at start of recording. Complainant enters to the room and starts recording. Children shouting heard around 17:13:50. Doors in house are open, I can hear some lyrics now but bass is distinctive and loud. This continues throughout the recording. More regular shouting at 17:16:00, played song also clearer but I do not recognise it. **High Level**
2	**30/07/2022**	17:18:15	17:21:17	This recording picks up where the previous ended. Loud bass is detectable and plenty of shouting and loud voices. 17:19:30 – Bass Spikes needed to remove headphones for a moment. Complainant enters around 17:21:10 and babies cry is heard – only slightly louder than background bass. **High Level**
3	**31/07/2022**	14:24:14	14:26:46	Loudspeaker sound heard in background, similar level to complainant's dog? barking in background at 14:24:57. Low level bass for a while, then at 14:26:05 the band clearly starts up and it is very loud even with windows shut. **High Level**
4		14:33:40	14:40:30	Loud bass and drumming at start. Guitar then comes in. Matron active by complainant at 13:34:30, singer is now clearly audible, bass maintained at same very loud level for rest of clip. Song ends at 14:39:44. Loudspeaker/Singer

				then heard, next song beings at 14:40:15, louder bass than previously. **High level.**
5		14:49:13	14:55:30	Same level and nature as previous recordings, different song. Maintained high level throughout recording. Complainant states on diary sheets, that the rest of the family had to leave the house. **High level**
		15:19:24	15:25:14	Same level and nature as previous recordings, different song. Song ends at 15:22:20. Next song starts at 15:22:35, Teenage Kicks is being played. Song ends at 15:24:53. Maintained high level throughout recording. **High level**
		15:54:29	15:59:43	Cheer up sleepy jean heard at start of recordings, same loud level. Song ends at 15:56:10. Next song starts at 15:56:55, I am a believer. Same level and nature as previous recordings, different song
		16:28:30	16:34:31	Ongoing now since 14:24. Complainant takes phone call at start of clip. **Complainant opens window during this clip (**advised when we collected) the substantial jump in music is very clear. Same level and nature as previous recordings, different song. **High level**

Comments

Loud music throughout all recordings. On the 31st July, this lasted for over 2 hours. The final recordings when the complainant opened windows to demonstrate the noise is particularly significant. Individual songs clearly identified.

Digital Gain	**0%**
Analog Gain	**100%**

Exeter City Council

Criminal Justice Act 1967 s.9
Magistrates' Courts Act 1980 s.5B
Criminal Procedure Rules r.27.2

Statement of witness

Statement of: Simon Philip Ruddy

Age of witness: Over 18

This statement, consisting of 4 pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 8 September 2022

Signed:

1. I am a Principal Environmental Health Officer of Exeter City Council, with whom I have worked for 31 years. My role involves, amongst other things, the investigation of statutory nuisance under the Environmental Protection Act 1990. I am also able to comment on matters under the Licensing Act 2003 as a member of a Responsible Authority

2. Exeter City Council uses an app called *The Noise App* that allows persons troubled by noise to make 30-second recordings on their mobile device at any time; these are uploaded to a server to which an investigating officer has access, allowing the recordings to be listened to later. The recordings use the mobile devices' locations settings to give an indication as to where they were made.

3. I have downloaded all of the *Noise App* recordings submitted in respect of noise from Heavitree Social Club since June 2022; these originate from two complainants, both close neighbours of the Club. The recordings are available as wave sound files, of which I will now give a summary.

4. **SR/1** Sunday 12 June at 10:13 – amplified music (from a radio, according to the complainant) and children's voices

5. **SR/2** Sunday 12 June at 12:18 – amplified music and children's voices

Statement of: Simon Philip Ruddy

6. **SR/3** Friday 17 June at 19:57 – adult and children's voices.

7. **SR/4** Friday 17 June at 20:57 – adult and children's voices, bass from music.

8. **SR/5** Friday 17 June at 22:13 – shouting/screaming, bass from music.

9. When I later spoke to Mr Hunt about this noise complaint, he told me that the event was a football presentation for a local children's team.

10. **SR/6** Sunday 10 July at 14:00 – band playing *The Power of Love.*

11. **SR/7** Sunday 10 July at 14:02 – more live music

12. **SR/8** Sunday 10 July at 14:04 – band playing *Walking on Sunshine*. The complainant notes that this was recorded from his children's bedroom.

13. **SR/9** Sunday 10 July at 14:12 – band playing *Everybody wants to Rule the World.* The complainant states *live amplified music 10m from my kitchen. Audible throughout the house with doors shut.*

14. A check on the Club's Facebook page confirmed that a band called *Decade* were playing in the Club's garden on Sunday 10 July.

15. **SR/10** Friday 15 July at 23:16 – voices and music (*We Like to Party* by Vengaboys). The complainant states *people are in the garden, the hall doors are open and the bass is resonating throughout my house.*

16. **SR/11** Friday 15 July at 23:22 – voices and bass from music. The complainant states that this was recorded from his child's bedroom.

17. **SR/12** Friday 15 July at 23:24 – voices and bass from music.

18. I was later informed that Officers from Environmental Health and Community Safety, carrying out routine noise monitoring, had parked in the Club's car park on Friday 15 July between 23:00 and 23:20. I was provided with a list of songs that could be heard at the time, the last of these being the Vengaboys song, recorded by a complainant ref SR/10.

Statement of: Simon Philip Ruddy

19. Mr Hunt informed me by telephone that this event had been a wedding disco and that the organisers had arranged for their own DJ, rather than using one of his usual people.

20. **SR/13** Friday 29 July at 15:21 - Commercial radio advert (for AO.com).

21. I was informed that, on the afternoon of Friday 29 July, Environmental Health Technician Ben Turner installed noise-monitoring equipment (a MATRON) in the dining room of one of the complainants. The following week, I saw a copy of Ben's analysis of the recordings made on this machine - see his statement for more detail.

22. A check on the Club's Facebook page confirmed that a band called The Bail Jumpers were playing in the Club's garden on Sunday 31 July. I have heard the MATRON recordings made on this day – there are six recordings of live music between 14:28 and 16:34. Thirty seconds into the 16:34 recording, the complainant can be heard opening a door, or similar; the music (*Smoke on the Water*) becomes extremely loud at this point

23. The MATRON also records music and voices on the previous day (Saturday 30 July) at 17:17 and 17:21.

24. The majority of music on Saturday 30 and Sunday 31 July was recorded on the MATRON; however one recording was uploaded via the Noise App - **SR/14** Sunday 31 July at 16:35 – live music (the complainant states *extremely loud music in dining room*).

25. I have also seen two lots of mobile phone video footage submitted by a complainant, taken at the end of what appears to be Glenmore Road on Sunday 31 July at 15:15. A band can be clearly heard playing rock music in both recordings.

26. I have also seen mobile phone video footage submitted by a complainant, taken at the end of what appears to be Glenmore Road on Sunday 7 August, at some time between 14:00 and 17:00. A band playing *Another Brick in the Wall Part 2* can be clearly heard. A band called *Chill* were playing on the Club garden on that day, according to Facebook.

27. **SR/15** Monday 8 August 15:40 – Commercial radio advert and children's voices.

Statement of: Simon Philip Ruddy

28. **SR/16** Monday 8 August 16:07 – Commercial radio (recorded in the hallway, according to the complainant).

29. **SR/17** Sunday 28 August 14:57 – band playing *Big Love.*

30. **SR/18** Sunday 28 August 15:01 – band playing *Lyin' eyes*.

31. A check on the Club's Facebook page confirmed that a band called Jai Rocks were playing in the Club's garden on Sunday 28 August.

Representation Number	From Whom and address	Detail of Representation
IP 1	[redacted]	Dear Exeter Licensing Team, I understand there is to be a review of the licence for Heavitree Social Club and I wish to express my objection to the playing of loud music. This has affected us a family on several occasions when we have been unable to relax in our homes due to the very loud volume of music from live bands outside. We are positioned to the far end of the cul-de-sac backing onto the club and I dread to think how bad this is for our neighbours directly backing onto the club as the noise is excessive even at this distance. We have two young children and the music has prevented them sleeping during the afternoon inside the house and we are unable to enjoy any peace in our garden during these times. I would not expect this volume of noise from a social club and would not have chosen to live in such close proximity to a pub which is what this venue seems to be functioning as.
IP 2	[redacted]	Dear Sirs My property is adjacent to the football pitch behind the Heavitree Social Club. Neither Heavitree Social Club nor indeed Heavitree United Football Club are good neighbours, and have both apparently forgotten that they are based in a residential area. Live music outside of the Social Club is intrusive and unnecessary. We all want families to enjoy themselves, but the splash pool causes more noise and it seems that the needs of residents have become second place to the demands of Club members and this situation needs addressing.
IP 3	[redacted]	Good evening, This is relating to the review of the licence for the above premises. I would like to express my concerns about the noise levels of the music played, especially it seems at

		weekends, when local residents and their families would like to spend time in their own gardens without intrusive, very loud music spoiling their enjoyment. I enjoy a party as much as the next person but feel that a lower noise level would still allow participants to have a good time while not disturbing close neighbours lives. Thank you in anticipation of your consideration of our views on this matter.
IP 4		Dear Sir, I wish to record my objection to the playing of loud live and recorded music at the above premises. There have been occasions in recent years when the volume has been so loud that while in the house with doors and windows closed it has still been necessary to adjust the volume of the TV or radio etc. Further more it is impossible to enjoy ones own garden as the noise is of such a volume that being outside is unpleasant!
IP 5	[redacted]	Good Afternoon, I am writing regarding the review of the premises licence for Heavitree Social Club. I am particularly concerned firstly, about the loud music that is played both when a football match is on, and secondly when there is an outside live band at the social club. We live in [redacted], and have done so for 41 years. We are at the top of the road and adjacent to the football pitch. We have never experienced this level of music in all the years we have lived here. In relation to football matches, we have no objection to music being played before a match etc. However, outside speakers have been installed recently, directly opposite our house, and the volume of the music is in our opinion excessive. This often occurs early on a Saturday morning when the youth team are playing, The music is often turned on at 0945 am, or earlier, when the kick off is at 1030. The level played is intrusive. In relation to the outside live music at the social club, this has usually been on a Sunday afternoon, during Summer months. The volume is so loud that

		we have been unable to sit in our garden, and even our young grandchildren think it is unbearable! On a couple of occasions, I have rung the club and spoken with the manager to explain our concerns, but the situation has not improved. I explained that as a social club it is very anti social to play music at this level in a residential area! We would be grateful if you will consider our views on the current situation, and take the appropriate action that we feel is necessary.
IP 6	[redacted]	Hi, I wish to make a representation in relation to the Heavitree Social Club. I am a local resident with my garden backing onto their land. There have been numerous live events happing over the summer at the venue and on occasions, the music is so loud it drowns out the sound of the television in the front room furthest away from the music. This makes it very hard to have a relaxing afternoon and making use of our garden is impossible during these times. I was under the impression that live music outside would only take place on bank holiday weekends but there have been several instances during the summer holidays and none of these fell on Bank Holiday weekends. Last season there was a junior football team who made use of the grass football pitch on a weekday afternoon and a weekend morning. They resorted to playing very loud music as part of their warm-up which again made it impossible to hear the television in the house. We have yet to experience this music this season but not sure if this is because the team have yet to start after the summer yet. We have previously raised concerns to the council over this. There has been no contact or pre-warning from the social club on these events or noise and when we have contacted them they have been very unreasonable in their response, so much so we have stopped contacting them about it. Finally, I wish to make it known that the Social Club empty their glass bin at 5.30AM on a Thursday morning and have woken me up the last 3 weeks carrying this out. Given they are in a residential area, I consider this a completely unacceptable time to carry out such an activity and have raised a separate noise complaint to the council on this. In summary, I don’t mind the live music outside very infrequently if it is kept to an acceptable volume.

		The football warm-up music is too loud and disturbs the peaceful environment and the emptying of the glass happens at a completely unacceptable time. I believe these aspects should be reviewed and conditions set in place as part of this licence review. We accept and are happy the social club serves a community. We only wish it better valued, respected and served the community it geographically surrounds.
IP 7	[redacted]	I am writing to still object to the loud music being played by the Heavitree social club In there garden which is extremely loud and can be heard in doors of our house even with windows closed. I live In [redacted]
IP 8	[redacted]	To whom it may concern I wish to object to the review of the licence to play loud music at the above premises. I live close by and at times, particularly on a weekend afternoon/ evening have had to close doors and windows in order to hear my own radio! It would certainly spoil a quiet afternoon in the garden should we wish to do this. I feel this is totally unacceptable that residents should be subjected to this type of noise.
IP 9	[redacted]	Dear Sir/Madam We write in connection with the above review. We live adjacent to the above premises and we have previously made representations in connection with the grant of a premises licence. The representations are replicated below - 'We write in connection with the above application. We would request that concerns which we raised in respect of a similar application made by the club in October 2020 be brought forward for consideration in regard to this application. We have reproduced the concerns below: We write in respect of the above in order to record concerns/objections in connection with certain aspects of the application. A request has been made for the general provision of live and recorded music both indoors and outdoors.

		Although we have no specific issues with the provision of indoor music, we do not feel that it is appropriate to allow unrestricted permission for the provision of outdoor music. We live in premises adjacent to the social club and we feel that any permission for outdoor music should not be unlimited and should be restricted to reasonable hours. In the past outdoor music events at the club have been held on relatively few occasions (normally summer weekends and bank holidays) and all have commenced and finished at sensible hours. None appeared to start before midday or finish beyond 6pm. We feel that any extension to the frequency or duration of these events is inappropriate as it would have an adverse effect on the surrounding neighbourhood and environment. We understand that the club already holds a club licence which covers club members and their guests, however we believe that a new premises licence, if granted, will allow anyone to make use of the facilities and attend any functions . This would undoubtedly result in more people using the club which heightens our concern about noise levels, in particular in connection with outdoor events/activities.' Unfortunately, our concern relating to the provision of loud outdoor music has proved to be well founded as the frequency of events has now increased and, as such, affects the quiet enjoyment of our property on a much more regular basis. In the circumstances we would ask that our representation is again considered as part of the licence review process.
IP 10	[redacted]	To whom it may concern, I am writing with regard to the licensing review for Heavitree Social Club, 2 east Wonford hill. I am writing to request that their application for a licence is revoked/not renewed due to the significant impact it has on myself as a neighbouring resident and those around me.

		The social club continues to have live music outside and inside on a regular basis which is extremely loud and prevents me from being able to sit out in my garden. Very loud noise from people using the social club is also heard on a regular basis . I myself have previously made complaints to the council about this and so have other residents but they continue to ignore this. Many thanks in advance for taking the above information into consideration
IP 11	[redacted]	I understand that the premises licence is up for renewal The club is a vital focus point for the local community but without wanting to curtail their activities, there are some aspects that you need to consider Firstly, a loudspeaker has been installed between the Home and Away dugouts on the halfway line of the football pitch. Loud music is often played out of these speaker before matches, at halftime and at the conclusion of the games. There have been instances where music has blared out with hardly any players on the pitch. In my opinion they should be advised to reduce the volume as a condition of the renewal of the licence Live music outdoors has been a common occurrence during the summer. We live in [redacted] which is at the bottom half of the football pitch and have been unable to sit in our gardens due to the excessive noise- in fact I have even heard the music whilst I have been walking the dog in Ludwell valley Park! Again this should be considered and a sensible volume level applied as a condition of renewal We want the club to continue to thrive but also for them to be good and considerate neighbours to those that live near them
IP 12	[redacted]	Dear Sir **Review of Licence: Heavitree Social Club** I object to both the Premises Licence and the Social Club licence which Heavitree Social Club holds which allows them to play amplified music in an area which is primarily residential. It is totally

		inappropriate that the club is permitted to play music which resonates across many households in Heavitree who would like to enjoy their own houses and gardens without having this noise inflicted on them. The Club as a business is making money whilst making life unbearable for its neighbours. Heavitree Social Club is my next-door neighbour: we share a party wall, mine at the end of my garden, theirs the wall against which the recent splash park has been created. The wall is 6 metres from my back door. I have suffered from the lack of neighbourliness by the Club for nearly ten years with increasing indignation. Noise and swearing coming from footballers using the five-a-side pitch colour our weekends and evenings. Litter thrown over the wall, children leaning over the wall and footballers climbing the wall to demand footballs be returned, music from the changing rooms, water splashed from the water tower onto us in our garden, little girls screaming as they get soaked – all these have become an increasing irritant. However, the development which has caused such fury and misery to my husband and myself is the music played in the garden of the club. A speaker pointing towards my house plays commercial radio; the presenter's voice, adverts and pop music fill my garden, from midday on into the evening. This increases in level as the garden fills up, as people drink more and as the children come into play; it continues to play even when the garden is practically empty. Far worse than this is when a live band plays in the garden, on a concrete base recently added, with full amplification of instruments and singers. The noise which this creates in my house is unbearable. It is impossible to speak in my garden. The bass guitar, in particular, resonates throughout the house. I escaped the noise recently and found that the music could still be heard at the far end of Heavitree Park. We have asked for the music to be turned down; it was not. The Manager has been aware of his neighbours' views of the noise which the Club makes since at least 2020. In the recent hot weather, noise from inside the Club in the evening was also allowed to escape into the garden because doors and windows were left open and people spilled out into the garden. When we first moved into our house, we were aware of the Club as our neighbour and put up with occasional sounds from over the wall. We have seen the noise levels rise significantly and the

		frequency of noisy afternoons and weekends and evenings has increased. The recent development in the garden of a place for live bands to set up, the children's splash park, the application for a Premises Licence, all point towards a decision to maximise the financial benefits to the Club of having a Beer Garden to offer to its customers with the added attraction of giving the children somewhere to play. This decision totally ignores the fact that many people around are also being affected by what the Club has chosen to do without any consultation or consideration for their neighbours. Exeter City Council offers guidance to inner city music venues about limiting sound levels and not allowing noise to escape from the premises. Yet this Club seems to have no boundaries set for the social nuisance it creates in Heavitree. Even the times during which the Club is allowed to play music in the garden seem ludicrous when so many people are close by and affected by the noise, yet both the Club Licence and the Premises Licence permit this. My husband and I object strongly to both licences permitting music to be played in the garden. We ask that permission for music to be played outside the Club's building be withdrawn and that the sound levels within the building should be subject to sound limitation.
IP 13	[redacted]	Dear licensing team, We are writing this email to request you to review Heavitree social club's license to play music. This has badly affected our lives during the weekends when we can't enjoy our house & garden in peace due to loud noises. Many thanks
IP 14	[redacted]	Statement provided reference JG01

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Exeter City Council

Criminal Justice Act 1967 s.9
Magistrates' Courts Act 1980 s.5B
Criminal Procedure Rules r.27.2

Statement of witness

Statement of: [redacted]

Age of witness: Over 18

This statement, consisting of 5 pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 1st day of September 2022

Signed:

1. My name is [redacted] and I live at [redacted] in Exeter with my partner and two daughters aged 1 and 5 years old. I have lived in Exeter for my entire life, and for the majority in Heavitree itself. My eldest child attends a local Heavitree primary school. Prior to children, I used to be a dance music DJ at the Exeter Phoenix, just off the high-street in Exeter and subsequently I am aware through my involvement in the promotion of music in Exeter of the impact that noise can have in residential areas. As an Exeter native, we chose to move to this road, because it was peaceful, and we believed that it would be a fantastic location to bring up our children. We want to work constructively with the social club to ensure a positive relationship. But it is clear to me that there is a lack of respect shown to the neighbourhood currently by Heavitree Social Club

2. The rear of my property shares a boundary wall with Heavitree Social Club which is situated on East Wonford Road, Exeter. The social club sits within its own grounds and the garden (where the problematic outdoor entertainment takes place) is surrounded on several sides by residential properties (see Exhibit JG01 for its location)

3. Despite an uncontested abatement notice being in place since 2021, based on loud dance music endured during 2021 - for an example see the following URL: https://photos.app.goo.gl/FvUPbDXkvspxXDts9, on Sunday 10th July 2022 we had to endure very loud music from a live band (see Exhibit JG02 for audio and video footage taken of the event). The set up for this event started at c.1330 PM and after the band had finished there was then loud music until c.1900 PM. When amplified music or bands are playing, we are unable to fully enjoy our property, especially our garden and when live music is on in the garden, the noise is so loud that we must leave our property. We cannot see how the volume of the music witnessed in Exhibit JG02 could be considered acceptable in a built-up residential area whilst there is an abatement notice in place. The music as evidenced in Exhibit JG02, can be heard so clearly and loudly inside all rooms of my house and we simply could not get away from the noise.

Statement of: [redacted]

When reviewing documentation relating to the social clubs premises license, in regard to Outdoor Music, there was vociferous feedback delivered by the local community in the form of representations against the license: https://committees.exeter.gov.uk/documents/g6644/Public%20reports%20pack%2012th-Nov-2020%2010.00%20Licensing%20Sub-Committee.pdf?T=10 (see pages 37-52)

Similarly, on the 15th July 2022 a wedding reception was held at the Social Club and loud dance music was playing inside – which could be heard **within** our house past 2330 (see Noise App recordings). When you cannot get away from the noise inside your own home, it creates stress and anxiety and makes you want to leave.

In addition to this – on the 31st of July another event was held in the garden of Heavitree Social Club – which forced my partner and young children from our house. On this occasion the council had installed the MATRON noise monitoring device in our home, and I stayed inside to record. Alongside evidence collected through the matron device I made several video based recordings which are available here: https://photos.app.goo.gl/MPPAzNaGAeUUQyEeA and https://photos.app.goo.gl/N1NTY7kw1nyNVYGm9. The event was "live streamed" via Facebook and comments on the live feed suggested the music could be heard from Rifford Road which is approx. 0.4 of a mile away. Other neighbours further down our road left their houses to find out what was going on and a work colleague who lives on Salters Road contacted me to find out whether the music he could hear was from Heavitree Social Club. Additional events were held on the of the same guise happened on the 7th and 28th of August 2022.

4. Based on my research using free-to-use tools like Google Maps, the distance between the outdoor area (where music takes place) and my children's bedrooms is minimal. It means, as an example, should the children wish to take a nap during the day - they would be unable to - due to the combined noise relating to recorded and amplified music and the splashpark and bouncy castles.

5. During the warmer periods of the year and at weekends, across both Saturdays and Sundays from around 1100 AM there is also non-stop music (commercial radio - with adverts) played all day, one can only assume, based on the music, that it is for the benefit of the adults who

Statement of: [redacted]

attend, rather than the children who attend to use the various garden facilities: bouncy castles, splash park and kids play area. When music is playing, we are forced to listen. The radio station (usually "Kisstory") can be so loud that I can hear which songs and adverts are playing from inside my house. I own a Google Pixel 6 phone - and it can pick up what's playing and tell me the exact song etc. On one occasion, I called the social club as the radio was still playing around 6.50pm at which point they turned it off. This combined with the children playing/screaming from both bouncy castle and splash park (which I understand based on my conversations with Exeter City Council has **no** planning permission) means that its extremely hard for us to enjoy our garden whilst events such as these take place. We actively avoid inviting friends over at the weekends as the loud noise would prevent us from having a conversation in the house or garden and enjoying what is usually a very calm and peaceful area (despite its location next to one of the main arteries of the city: Heavitree Road).

6. The outdoor live music events make me, and my family feel anxious and as evidenced by the example of Exhibit JG02, and the additional videos attached to this Witness Statement make it impossible to enjoy our home as it is taken over by the noise generated by Heavitree Social Club. Given the high temperatures, even with closed windows or doors, the sound permeates throughout the house. It forces us to leave our property to seek peace and quiet. As a full-time consultant for a management consultancy - the weekends are often the only time enjoy my property as I work Monday to Friday.

7. It's worth me also stating - that we did not personally complain about the Jubilee Event held at Heavitree Social Club (which was of a similar nature to the event held on the 13th and 31st of Jul - because we were not at home - and it felt wrong too - given the prominence of the occasion). However, others in the neighbourhood may have complained.

8. I am concerned that given the noise from loud music from similar events last year across multiple occasions which resulted in Exeter City Council serving an Abatement Notice, that with the summer holidays imminent this disturbance will reoccur. Based on the gig listings **as of 13th July 2022**, and located here: https://www.lemonrock.com/heavitreesocialclub?page=gigs - you can see several instances of live bands performing in the garden.

In my opinion, there is no difference between the events that preceded the abatement notice and

Statement of: [redacted]

the events that have or are due to take place this year in the garden of Heavitree Social Club.

9. Clearly, we accept that living next to a social club, there will be some degree of noise from families enjoying the garden at the weekend, or even from the five a side pitches during the week etc but we are concerned that the ambitions / behaviours of the social club in relation to the garden are more like that of a pub rather than a traditional social club. The current licensing agreed with Exeter City Council appears to provide Heavitree Social Club with the ability to play outdoor music from 1100 or 1200 until 2000 nearly every day of the year. Given the recent Covid-19 pandemic, I wonder whether the right level of due diligence was conducted by Exeter City Council as to its location in a quiet residential area. It seems clear to me that there should be a full review of their license(s) in regards to music outdoors.

We are especially concerned, as are many in the neighbourhood, that the licensing department even decided to grant Heavitree Social Club any form of license for outdoor music given the proximity to residents. As one representation states in relation to the license request:

"*Members of the social club do not have to put up with the noise; they can walk away if they choose.*"

I understand that Heavitree Social Club are currently in the process of having their premise license reviewed by Exeter City Council (as of 1st September) on the following grounds with a hearing scheduled for the 20th September.

- Nuisance witnessed at the premises
- Loud Music internally and externally
- Loud external activities – Splash pool